

Appl. No.: 10/523,564

Amdt. Dated March 24, 2006

Response to Office Action Mailed December 29, 2005

**REMARKS:**

Applicant thanks the examiner for the time and care taken in examining this application. The following is stated in response to the objections and rejections.

**Objections to the Specification.** As to the objection concerning reference number 29, Fig. 4 shows the structure 29 as being a threaded member, which, in cooperation with the second stop 30, clearly acts as an adjusting nut. The specification has been amended to conform the written description to the original claims, so that the reference numeral 29 consistently refers to an adjusting nut.

**Objections to the Drawings.** As to the objection concerning reference numeral 32, it does appear in the original specification, as union part 32 described at p. 10, lines 6-7. Please see the preceding paragraph concerning the objection about reference numeral 29. Claims 3 and 7 have been amended to remove the inaccurate reference to nuts. As to the use of both reference numerals 9 and 30 to designate stops, the specification and claims have been amended throughout to more clearly distinguish between the first stops 9 and the second stops 30.

**Section 112 Rejections.** The examiner objects to claim 1, finding "...the axial direction being interposed..." to be unclear. It is noted that the clause "being interposed" refers to the first stops (9), which are in fact interposed between the cylinder piston unit and the driver for the movable frog. The interposition of the first stops is a precondition for the coupling of the cylinder piston unit and the driver for the movable frog in the particularly advantageous way as

intended by the instant invention. Claim 1 has been amended for the purpose of making this even more clear.

As to claim 2, the objection that it is unclear has been resolved by the amendment, which is made for the purpose of clarifying that the different "axes" mentioned in the original claim are meant as axes in a geometrical sense, *i.e.*, directions. Therefore, claim 2 has been amended to recite "...along two mutually crossing directions different from a direction of a displacement stroke."

As explained above, the Section 112 rejection of claims 3 and 7 have been resolved by amendment. Claims 5 and 11-17 have been amended for the purpose of resolving the Section 112 rejections relating to the distinctions among the adjusting nut 29, the first stops 9, and the second stops 30.

**Section 102(b) Rejection.** The Examiner finds that Claims 1-2 are anticipated by U.S. Pat. No. 5,292,091 (Callegari et al.). The rejection is respectfully traversed as to the amended claims, for at least the following reasons. The corresponding features and structures of Callegari et al. are different from those in the instant application. The structures (9') of the Callegari et al. patent as referred to by the Examiner can by no means be identified as bearings, but rather are slides. The structures (9') are not coupled to a substructure and are not displaceable relative to the cylinder piston unit since they are fixed on the ends of the piston rod. The structures (9') do not serve for the adjustment of a center position, but for the engagement with catch units, which on their part engage with the driver for the movable frog.

The driver for the movable frog in Callegari et al. is not coupled to the cylinder piston unit with stops, but with catch units, that pivotally engage with the cylinder piston unit. The direction of force transmission from the cylinder piston unit to the driver is different from the one in the instant invention. The driver for the movable frog according to Callegari et al. is pulled, whereas the driver in the instant invention is pushed. The reception of the movable frog

in the driver as shown in the instant invention allows for the relative movement around one more axis than in the Callegari et al. device.

Therefore, in light of the fundamental distinctions set forth above, it is respectfully submitted that the Section 102(b) rejection should be withdrawn. It is submitted that all the objections have been met, that all rejections should now be withdrawn, and that the application is now in condition to pass to allowance. Early, favorable treatment of this application is requested.

**Extension Request and Fee Authorization.** The Commissioner is hereby authorized to charge any necessary fees or to credit any overpayment associated with this communication to the Deposit Account No. 50-0305 of Chapman and Cutler LLP, including fees for any necessary extension of time under 37 CFR §1.136 for filing this communication, such extension being hereby requested. The Examiner is encouraged to call the attorneys for Applicant(s) at the direct number (312) 845-3919 with any questions that arise in connection with this application.

Respectfully submitted,

By: 

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**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR § 1.8**

Attorney Docket Number: 1716331  
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I hereby certify that the attached correspondence, namely: Response to Office Action, was transmitted by facsimile on the date listed above, to the U.S. Patent and Trademark Office at the facsimile number listed above, under 37 C.F.R. § 1.8.

Signature: Brenda Walton

Typed Name of Person Signing this Certificate: Brenda Walton

Date of Signature March 24, 2006